

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

DEE DEE PRESLEY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:08CV00974 ERW
	)	
SOCIAL SECURITY ADMINISTRATION,	)	
	)	
Defendant.	)	

**ORDER**

This matter is before the Court upon Plaintiff's Application for Award of Attorney's Fees Under the Equal Access to Justice Act [doc. #26]. On June 5, 2009, this Court reversed the final decision of the Commissioner of Social Security and remanded the above-styled action for further proceedings. Plaintiff seeks a total award of \$3,288.09. Counsel for the Defendant has no objection to this request.

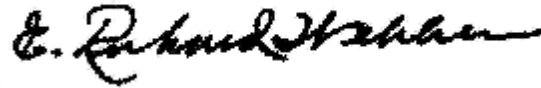
The award of attorneys' fees in this case is governed by the Equal Access to Justice Act, 28 U.S.C. § 2412 ("EAJA"). Under the EAJA, reasonable fees and expenses of attorneys may be awarded to the prevailing party. 28 U.S.C. § 2412(b). Further, "a court shall award to a prevailing party other than the United States fees and other expenses . . . unless the court finds that the position of the United States was substantially justified or that special circumstances made an award unjust." *Id.* at § 2412(d)(1)(A).

The Court finds that the position of the United States was not substantially justified and that no special circumstances make an award unjust. Further, a review of Plaintiff's exhibits reveal that the requested attorneys' fees and costs are reasonable.<sup>1</sup> Therefore, the Court will grant Plaintiff's motion, awarding \$3,288.09 in attorney's fees.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Application for Award of Attorney's Fees Under the Equal Access to Justice Act [doc. #26] is **GRANTED**. Plaintiff is awarded \$3,288.09 in attorney's fees payable to counsel for Plaintiff.

Dated this 3rd day of September, 2009.



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E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Counsel for Plaintiff spent 19.5 hours on this case at a rate of \$168.62 per hour. Counsel's hourly rate was calculated by multiplying the EAJA statutory rate of \$125.00 by a consumer price index multiplier to account for an increase in the cost of living.